



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

May 3, 2022

VIA ECF

Hon. P. Kevin Castel
United States District Judge
United States District Court
500 Pearl Street
New York, New York 10007

Re: *Li Zhang, et al., v. USCIS, et al.*, No. 21 Civ. 6035 (PKC)

Dear Judge Castel:

This Office represents the government in this action in which the plaintiffs seek an order compelling U.S. Citizenship and Immigration Services ("USCIS") to adjudicate two Applications to Register Permanent Residence or Adjust Status (Form I-485). On behalf of the government, I write respectfully to request that the conference presently scheduled for May 20, 2022, be rescheduled for a date sixty days after the government has been served with a copy of the summons and complaint.¹ See Fed. R. Civ. P. 12(a)(2) (providing a United States officer or agency with sixty days after service to respond to complaint), 4(i)(1)-(2) (to serve a United States agency, requiring delivery of a copy of the summons and complaint to the United States Attorney's Office in the district where the action is brought), 6(d) (adding an additional three days for service by mail).

I respectfully request this extension because this Office has not been served with a copy of the summons and complaint in this matter. The "affidavit of service" filed on the docket at ECF No. 4 is merely copies of summonses apparently completed by the plaintiffs' counsel, but that were not issued by the Clerk of Court. As the docket reflects, the plaintiffs have not yet properly requested that the Clerk of Court issue any summonses, and accordingly, the Clerk has not yet done so. Further, although the "affidavit of service" suggests that the plaintiffs may have served the United States Attorney's Office in Washington, D.C. with a copy of the complaint and a summons that had not been properly issued, plaintiffs did not serve this Office as they are required to do. Although the docket indicates that prior conferences may have been held in this matter, this Office was not aware of these conferences given the lack of service. Accordingly, this is the government's first request for an adjournment of the pretrial conference. Plaintiffs' counsel consents to this request.

¹ Counsel for the government will not be available from August 5, 2022, through August 12, 2022.

*Conference adjourned
from May 20 to
September 1, 2022.
at 10 am (telephonically)
SO ORDERED
USDC
5-9-22*

I thank the Court for its consideration of this letter.

Respectfully submitted,

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United States Attorney

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cc: Counsel of record (via ECF)